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APPLICATION NO	FILING DATE	FIRST NAME INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/961,160	09/21/2001	Christian H. Passow	355,09105 (2001P17281US)	4650

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WOOD, PHILLIPS, VanSANTEN,  
CLARK & MORTIMER  
Suite 3800  
500 West Madison Street  
Chicago, IL 60661

EXAMINER

LUEBKE, RENEE S

ART UNIT PAPER NUMBER

2833

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/961 160

Applicant(s)

PASSOW

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 39 is/are allowed.
- 6) ☐ Claim(s) 1-27 and 31-38 is/are rejected.
- 7) ☐ Claim(s) 28-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

Art Unit: 2833

1. The drawings are objected to because in Fig. 1, it appears that "115" should be changed to -100-, and reference numeral -124- (page 8, line 5) should be added.

In addition, the reference numerals in all of the figures are handwritten and too small. Because of this, the examiner has been unable to find a number of the reference numerals in the figures (i.e. "248" from page 11, line 12). Applicant is respectfully requested to confirm that all of the numerals used in the specification are present in the drawings.

Additionally, it is noted that the stationary contacts (102, 103, 110, 112) do not appear to be consistently shown in Figs. 1 and 7. How do the contacts, shown in Fig. 1 overlap, above and below in pairs as shown in Fig. 7?

Applicant is reminded that the figures should be placed on the sheets in consecutive order.

New corrected drawings are required in this application because of the issues raised above. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. Applicant is kindly requested to fill in the serial number and/or the patent number for the applications referred to on the first page of the specification.

3. Claims 18, 22 and 31 are objected to. The last line of claim 18 should apparently be changed to -said first and second movable contacts within said window.-. In addition the use of "said a" in claim 22 is improper. Also, claim 31 lacks antecedent basis for "said second window" at the end.

4. Claims 17, 20-26 and 32-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 lacks antecedent basis for "said substantially flat body portion of said first movable contact" on lines 8-9.

Claim 20 lacks antecedent basis for "said first window," "said second window" and "said body portion."

Claim 32 does not properly describe the presently disclosed invention. As written, this claim required four movable contacts – a first movable contact (line 3), a second movable contact (line 5) and "a pair of movable contacts" (line 9). None of the disclosed embodiments comprise these four contacts.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5-7, 10, 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler, et al. in view of Lacan. The contact 7 of Drexler comprises a flat body portion with an inclined portion leading to a contact surface that is parallel to the body section. The contact has a single contact surface, not a pair of contact fingers, at each end. However, the similar device

Art Unit: 2833

of Lacan comprises a pair of contact fingers at each end. The slit between the fingers enabling dissipation of an arc. As contacts of this type are susceptible to arcing, it would have been obvious to include such a slit and form a pair of fingers at the contact portion of Drexler. In regard to claim 6, it is noted that the contact of Drexler is positioned in a window of a housing portion 8. In regard to claim 11, the pusher 8 of Drexler comprises four contacts; each of the contacts is adjacent to at least one other contact.

8. Claims 3, 4, 8, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler and Lacan as applied to claims 1, 6 and 11 above, and further in view of Hall, et al. The contacts of Drexler lack retention tabs or flanges. However, the similar device of Hall teaches the use of such tabs or flanges (see Fig. 12). The structure is used to restrict unwanted movement (column 6, lines 5-11). As such a restriction would have been desirable on the device of Drexler, it would have been obvious to include the tabs or flanges on the contact of Drexler as taught by Hall.

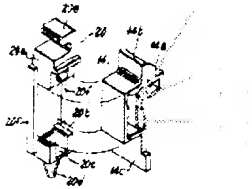
9. Claim 15 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nielsen, et al.

10. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Lacan. The contacts 7 of Nielsen each comprise a flat body portion with an inclined portion leading to a contact surface. The contacts each have a single contact surface, not a pair of contact fingers, at each end. However, the similar device of Lacan comprises a pair of contact fingers at each end. The slit between the fingers enabling dissipation of an arc. As contacts of this type are susceptible to arcing, it would have been obvious to include such a slit and form a pair of fingers at the contact portion of Nielsen.

Art Unit: 2833

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Hall, et al. The assembly of Nielsen shows the device substantially as claimed, but the contacts of Nielsen lack flanges. However, the similar device of Hall teaches the use of such flanges (see Fig. 12). The structure is used to restrict unwanted movement (column 6, lines 5-11). As such a restriction would have been desirable on the device of Nielsen, it would have been obvious to include the flanges on the contacts of Nielsen as taught by Hall.

12. Claims 15 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mading. This pusher assembly comprises a pusher 14 (Fig. 4) with a window, a first movable contact 10 and a second movable contact 12. The window comprises a first and second window in a first portion 14 of the body. The body also includes a recess.



13. Claims 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen. This device is assembled by inserting movable contacts 63, 34 into the pusher 18. The contacts are retained by spring 65. In regard to claim 31, the shoulder is seen to be the entire periphery of window 58.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ikeda teaches the insertion of a contact in a substantially vertical position and then rotating it to horizontal.

15. Claims 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2833

16. Claim 39 is allowed.

17. **Any response to this action may be mailed to:**

Assistant Commissioner for Patents  
Washington, DC 20231

**or faxed to:**

(703) 872-9318 or 308-7722 or 308-7724


(informal or draft communications should be clearly labeled  
"PROPOSED" or "DRAFT")

**Hand-delivered responses** should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)  
2201 South Clark Place, Arlington, Virginia.

18. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (703) 308-1511.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke  
Primary Patent Examiner  
February 6, 2003